

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

ASCENTECH PTY LTD AS TRUSTEE FOR  
THE SMITH FAMILY TRUST,

Plaintiff,

**V.**

ASCORA GMBH,

Defendant.

1:19-cv-100 (LMB/IDD)

ORDER

The Statement of Interest filed by the United States Patent and Trademark Office (“USPTO”) contains several meritorious arguments which convince the Court that the parties’ proposed Consent Judgment is insufficient. Accordingly, it is hereby

ORDERED that the pending Joint Motion for Entry of Final Consent Judgment [Dkt. No. 16] be and is DENIED WITHOUT PREJUDICE, and it is further

ORDERED that within thirty (30) days the parties provide the Court with specific reasons, other than the mere fact that they have settled their dispute, that would support this Court either vacating or reversing the decision of the USPTO. Among the issues which should be addressed are the extent to which the parties are actually using the mark in the United States, a clearer description of the services actually provided under the mark, and any evidence of confusion.

The USPTO should receive copies of whatever the parties file, and must file any objection or response to the parties' submission within fourteen (14) days of receipt of the submission.

The Clerk is directed to forward a copy of this Order to counsel of record and AUSA

Andrew S. Han.

Entered this 23<sup>rd</sup> day of October, 2019.

Alexandria, Virginia

/s/ LMB  
Leonie M. Brinkema  
United States District Judge